

EXHIBIT ONE

1 STIPULATIONS

2 It is agreed by and between the parties

3 that all objections, except objections as to

4 the form of the question, are reserved to be

5 raised at the time of trial for the first

6 time.

7 It is further agreed by and between the

8 parties that all motions to strike

9 unresponsive answers are also reserved to be

10 raised at the time of trial for the first

11 time.

12 It is further agreed that the deponent

13 will read and sign the deposition under the

14 pains and penalties of perjury, notary

15 waived, and that the sealing of the said

16 deposition will be waived.

17 It is further agreed by and between the

18 parties that notification to all parties of

19 the receipt of the original deposition

20 transcript is also hereby waived.

21 *****

2 LAW OFFICE OF HAL ETKIN, 14 Hubbard Avenue,
2nd floor, Springfield, Massachusetts 01105,
representing the Plaintiff,
BY: HAL ETKIN, ESQUIRE

3 LAW OFFICES OF STEPHEN W. SILVERMAN, 73
State Street, Suite 203, Springfield,
Massachusetts 01103, representing
the Plaintiff,
BY: STEPHEN W. SILVERMAN, ESQUIRE

4 LAW OFFICE OF MICHAEL J. CHERNICK, 73 State
Street, Springfield, Massachusetts 01103,
representing the Plaintiff,
BY: MICHAEL J. CHERNICK, ESQUIRE

5 ROSS & ROSS, P.C., 121 State Street,
Springfield, Massachusetts 01103,
representing the Defendant,
BY: JOHN B. STEWART, ESQUIRE

6 IN ATTENDANCE:
LAURENCE STRANDER

1 INDEX

2

3 WITNESS DIRECT CROSS REDIRECT RE CROSS

4 MELISSA OSTRANDER S*

5 Stewart*

6 Etkin**

7 Silverman***

8 Chernick****

9

10 EXHIBITS: DESCRIPTION PAGE

11 D Exhibit #1 Plaintiff's Answers to Interrogatories 55

12 D Exhibit #2 Diagram 55

DECLARATION OF MELISSA OSTRANDER, taken
before me, Melissa Ostrander, Certified
Court Reporter, pursuant to the Federal
Rules of Civil Procedure, at the offices of
Melissa Ostrander, Inc., 159 Main Street,
Springfield, Massachusetts, on August 24, 2005.

SEE PAGE 11

DECLARATION OF STEPHEN W. SILVERMAN, taken
before me, Melissa Ostrander, Certified
Court Reporter, pursuant to the Federal
Rules of Civil Procedure, at the offices of
Stephen W. Silverman, Esquire, 73 State
Street, Springfield, Massachusetts, on August 24, 2005.

DECLARATION OF HAL ETKIN, taken
before me, Melissa Ostrander, Certified
Court Reporter, pursuant to the Federal
Rules of Civil Procedure, at the offices of
Hal Etkin, Esquire, 14 Hubbard Avenue,
2nd floor, Springfield, Massachusetts, on August 24, 2005.

1 about, what he asked you and what you told him?
 2 A. The standard stuff when you get hired.
 3 Q. What was the job as he described it to you as you understood it when you were getting hired?
 4 A. Ringing up customers, taking care of the deli needs, slicing meats and cheeses, and stocking food, basic, you know, store, take care of needs, things like that.
 5 Q. Did you know when you got hired there that you might on occasion be asked to grind hamburger?
 6 A. When I first got hired, when we did a tour of the store he showed me the hamburger machine, so, I guess the answer is yes.
 7 Q. So, you didn't know about that until you actually started?
 8 A. Yes.
 9 Q. As a part of your job as it evolved during the year you were there, did you work in any other machinery?
 10 A. No.
 11 Q. Was there any kind of slicer there at all?
 12 A. At Pleasant Street Market?
 13 Q. Yes.
 14 A. Yes.
 15 Q. Did you ever do work on that?
 16 A. Yes, I did.
 17 Q. So, there's like deli meat kind of thing?
 18 A. Yes.
 19 Q. Do you remember what the brand or the name on the side of the slicer was?
 20 A. No, I do not.
 21 Q. Okay. Other than the slicer and the meat grinder, were there any other machines there that you worked on?
 22 A. There was a machine where you would take a hamburger patty, not really -- I don't know what you would call it, just like a slice of a meat and then you stick it through a machine where it pokes holes

1 through the meat kind of like.
 2 Q. Was it a tenderizer?
 3 A. It wasn't a tenderizer, I think it was like a cubed steak or something like that where it pounds it and make it more tender. Maybe it was a tenderizer. I only used that machine once.
 4 Q. So, this was basically you put a piece of meat there and then you pull on a handle and it --
 5 A. It went you would stick the meat through this hole and it -- I don't remember exactly how, I remember sticking it in the hole and it would just come out.
 6 Q. Okay.
 7 A. I don't know if it was a hand ground or I don't really remember.
 8 Q. You only used it once and you don't remember a lot?
 9 A. Yes.
 10 Q. When you were at Pleasant Street Market, do you remember reading or having available to you operator's manuals for any of these machines we're talking about?
 11 A. If they were available to us, I don't remember seeing any of them. I'm sure they're probably put away like in the filing cabinets, what not.
 12 Q. That was probably not a very good question because I kind of asked two things. I guess what I meant to ask was did you ever see one, did you ever see an operator's manual?
 13 A. No, I didn't.
 14 Q. So, let me just try to be clear, you didn't see manuals for slicers, or meat grinders or this other tenderizer cube steak machine?
 15 A. No.
 16 Q. Okay. So, your first day at work I guess Mr. Barry took you around and told you some things you were going to need to know?
 17 A. Yes.
 18 Q. Did he give you any -- let me strike that and start again

1 these details of training to other people
2 that were more experienced working at the
3 store?
4 A. Yes.
5 Q. Okay. So, do you remember who it
6 was that taught you about using the slicer?
7 A. I don't remember who taught me how
8 to use the slicer.
9 Q. Okay. Do you remember whoever it
10 was what they told you about it?
11 A. Basically put whatever you're
12 slicing in the area and you catch, you use
13 your right hand to move the thing back and
14 forth and you catch whatever you're slicing
15 in your hand and just put it down. And then
16 there is a nozzle thing where you turn for
17 however thickness you want it, and stuff
18 like that.
19 Q. So, I guess the action of the
20 machine with your right hand up with the
21 slab of meat is kind of back and forth?
22 A. Yes.
23 Q. Close to your body, away from your

34

1 Do you remember how that went, that
2 particular time that he took you around?
3 A. It's a very small store.
4 Q. Yes.
5 A. So, really you have the grocery
6 aisles, like two grocery aisles, you have
7 the cigarette carton area, there's the
8 cashier, you know, a stand where there is
9 the lottery machines, stuff like that, and
10 then you have the deli. So, he was pointing
11 out the areas and stuff like that, nothing,
12 no details of what needed to be done in the
13 areas, I was going to be trained to do that.
14 Q. Okay. So, I gather he showed you
15 how to use the cash register?
16 A. I had to stand by Kerry and
17 watched her use the cash register and kind
18 of get an idea of how to do that.
19 Q. Is there anything Mr. Barry
20 personally showed you how to do when he was
21 there?
22 A. No.
23 Q. Is it fair to say he left some of

33

1 A. They showed me how to clean the
2 machine when it was closing time.
3 Q. Was there anything in writing
4 about how to use that machine and how to
5 work with that machine?
6 A. No.
7 Q. Do you remember receiving any
8 instructions on the use of this meat
9 tenderizer machine?
10 A. No.
11 Q. Do you remember receiving any
12 instructions on the use of the meat grinding
13 machine?
14 A. No.
15 Q. Did anybody demonstrate how this
16 meat grinding machine was to be used?
17 A. What happened was when I first
18 started there I'd get a quart of milk and
19 stuff like that, when somebody was in there
20 grinding hamburger meat I'd watch them, when
21 I first started I'd watch what they were
22 doing. I was never taught specific
23 instructions. Actually, the first couple of

36

1 body?
2 A. Yes.
3 Q. Okay. And then you have your
4 catching hand underneath the slicing area?
5 A. Yes.
6 Q. Okay. So, about how close is your
7 catching hand going to be to the slicing
8 blade?
9 A. It was very close.
10 Q. How is that?
11 A. Very close.
12 Q. Can you tell me in some distance
13 measurement, inches or --
14 A. Two to three inches close it was,
15 yes.
16 Q. Within a couple of inches?
17 A. Yes, a couple of inches.
18 Q. And did anybody tell you -- strike
19 that.
20 Did anybody give you anymore details
21 other than what we've already talked about
22 here about the use of that machine and
23 precautions and things like that?

35

1 months when I was working there I did use it
2 wrongly, I didn't know you had to ground the
3 hamburger meat twice before you sell it.
4 Yes.
5 A. So I was selling them like the
6 already ground hamburger meat that wasn't
7 run through, which is not a problem, it's
8 not as lean. So then somebody told me, no,
9 you've got to run it and then sell it.
10 Q. So, there may have been a couple
11 of people that didn't get their meat ground
12 twice through?
13 A. Yes.
14 Q. All right. Do you remember who it
15 was that brought it to your attention that,
16 look it, you really want to run it through
17 there twice?
18 A. I don't remember exactly.
19 Q. Did you work a certain shift or
20 certain days?
21 A. I've always worked right after
22 school until maybe closing time, if not
23 earlier, or on the weekend during the day,

38

1 Q. Yes.
2 A. Cheri, C-h-e-r-i, Barbosa, Cecelia
3 Fernandez, Kerry Friend, and then Cathy, I
4 don't remember her last name.
5 Q. Cathy?
6 A. Yes, Cathy. Amber Parks.
7 Q. Are there other people that you
8 worked with on a more infrequent occasional
9 type basis?
10 A. Yes, the morning people, Agnes, I
11 don't know her last name. Sue I very rarely
12 worked with her.
13 Q. Okay.
14 A. Irene.
15 Q. Irene Ring?
16 A. Yes. I worked, I kind of worked
17 with her a lot, I forgot about her.
18 Q. Okay.
19 A. There is another lady, I forgot
20 her name.
21 Q. Okay. Was there a manager that
22 you ever worked with?
23 A. Bill would always come in between
1 hours of, I want to say 10:00, maybe 9:00 in
2 the morning and stay between 1:00 and 2:00,
3 so at night when I'd come in I wouldn't see
4 a manager.
5 Q. Did you ever know a fellow named
6 Peter?
7 A. Yes, he started right after, a
8 little before or after I left. So I want to
9 say maybe he started in January maybe.
10 Q. Okay.
11 A. Of 2002.
12 Q. Did he ever have instructions for
13 you about how to do your job?
14 A. No, he was training to be a
15 manager while, during that time.
16 Q. When Bill was there, Mr. Barry?
17 A. Yes.
18 Q. Did he ever have suggestions on
19 how to do things with your job?
20 A. Yes.
21 Q. Do you remember him ever observing
22 you when you were using the hamburger
23 grinder?

40

1 see me doing it but they never gave me an
2 opinion or, you know, reinstruct me how to
3 use it.
4 Q. That was my question. So, is it
5 fair to say none of the people that you
6 worked with at the Pleasant Street Market
7 ever had any critique or any comments about
8 you using the hamburger grinder before the
9 accident?
10 A. No, like -- I'm sorry, can you
11 repeat that?
12 Q. Yes. Did anybody that worked at
13 the Pleasant Street Market tell you what to
14 do as far as you're doing this right, you're
15 doing that wrong on the hamburger grinder?
16 A. No. They never said anything like
17 that
18 Q. No comments either way?
19 A. Yes, exactly.
20 Q. Now, when you saw people using the
21 hamburger grinder before you used it
22 yourself, did you see them using that piece
23 of wood called a stomper?

1 A. No.
2 Q. Did he ever have any instructions
3 or comments for you about the use of the
4 hamburger grinder?
5 A. No.
6 Q. A little bit before you were
7 saying you got some information on how to
8 use the hamburger grinder by watching other
9 people use it, is that accurate?
10 A. Yes.
11 Q. Do you remember who you might have
12 seen using it before you actually used it
13 yourself?
14 A. A lot of people, I guess, Kerry, I
15 shadowed her for a while so I followed her
16 around when I was training, so, not Cheryl,
17 Kerry.
18 Q. Did any of these other people that
19 you worked with other than Mr. Barry we
20 already talked about, observe you using the
21 hamburger machine before the accident?
22 A. People would always walk in and
23 out of the cooler, so, obviously they would

1 very rarely.
2 Q. Did you ever see Mr. Barry using
3 that hamburger grinding machine before the
4 accident?
5 A. I never seen Mr. Barry on the
6 hamburger machine unless sometimes he would
7 pick up groceries to bring home and he would
8 be in there, you know, probably doing
9 hamburger meat, I would never see him on it.
10 Q. Okay. So, is it fair to say you
11 never saw Mr. Barry using that machine?
12 A. Yes.
13 Q. Okay. Did you ever have any
14 discussion with anybody at the Pleasant
15 Street Market employee-wise about that
16 stomper what it's used for?
17 A. Probably when I first started,
18 just that they explained that it is used to
19 push down the meat. But when I was
20 following around or watching people use it I
21 very rarely saw anybody really use it. The
22 only time that I really seen people use it
23 was when they had like the big chunk of meat

1 A. No.
2 Q. Did you ever see the stomper in
3 the general area of the hamburger grinding
4 machine before the accident?
5 A. It was always there. Sometimes,
6 you know, it would be sitting in the sink,
7 but most of the time it was always there.
8 Q. When you cleaned the machine, did
9 you also clean the stomper?
10 A. Not always.
11 Q. Okay.
12 A. Sometimes.
13 Q. So, there were times that you had
14 to clean it because it was dirty?
15 A. Yes.
16 Q. And those times when it was dirty,
17 did that indicate to you that it was being
18 used?
19 A. I cleaned it for sanitary
20 purposes, I mean, it's hamburger meat, you
21 know, a lot of bacteria just sitting in it.
22 I think we just cleaned it, I mean,
23 obviously it was used sometimes but like

1 to go through and they would stick like
 2 maybe three, four pieces in the hole, long
 3 thin strips of meat, not like hamburger
 patties, they'd push it down like that.
 4 Other than that we rarely used it to grind
 5 the hamburger meat to go through again.
 6 Okay. So I make sure I understand
 7 this.
 8 Okay.
 9 During the second grind, in other
 10 words, grinding hamburger it goes through
 11 once and then now you're going to put it
 12 through again?
 13 To sell it.
 14 Was the stomper used for that
 15 second pass?
 16 No.
 17 Okay. Did anybody ever tell you
 18 when the stomper was to be used and wasn't
 19 to be used?
 20 I don't really remember.
 21 Okay. During the first time that
 22 somebody was instructing you about this meat

46

1 grinding machine, did they mention anything
 2 about the stomper?
 3 I don't know, I don't remember.
 4 [I'm sorry.
 5 Okay. Do you remember if the
 6 stomper was present and within your field of
 7 vision when you were first instructed about
 8 the use of the meat grinding machine?
 9 Yes. It sits on like a rack where
 10 we slide drinks, like Snapple or whatever, I
 11 don't know exactly what kind of drinks it
 12 was, but on that rack.
 13 What distance is that away from
 14 the actual machine?
 15 About a foot.
 16 Okay.
 17 But in eye view.
 18 Are there any nonattached parts of
 19 the meat grinding machine other than that
 20 stomper that were in your field of vision?
 21 Can you rephrase that?
 22 Yes. Was the stomper the only
 23 thing that wasn't attached to the machine?

48

1 And I understand this machine was
 2 in some kind of large walk-in freezer unit,
 3 or refrigerator unit?
 4 Yes.
 5 Can you describe about how big a
 6 room that was?
 7 Oh, maybe fifteen feet, that seems
 8 kind of long, twelve to fifteen feet to like
 9 by maybe six to nine feet, I mean, it was
 10 very not that big.
 11 Could I trouble you to do a
 12 diagram depicting that refrigerator unit,
 13 and then if you could, you know, depict the
 14 door where you walk in and then, you know --
 15 This is the door we walked in.
 16 (Witness drawing a diagram.)
 17 Okay.
 18 So we'll say that's the door, and
 19 this is the wall, and we'll say these are
 20 the doors where the customers open up -- I'm
 21 a bad speller.
 22 Generally where is the counter in
 23 relation to all this?

1 No. There's a tray that collected
 2 all the hamburger meat that was grounded and
 3 it sits underneath where the holes where the
 4 hamburger, ground hamburger meat comes down.
 5 That's where like all the meat that is made
 6 during the day, and then we take that meat
 7 to grind through again to sell it.
 8 Let me just understand that. When
 9 you clean the machine you take it all apart,
 10 right?
 11 No. That would be very difficult.
 12 No, we take the tray that sits on top of the
 13 machine, and the tray that has all the
 14 hamburger meat that's already been grounded
 15 through, we take that tray, and that's about
 16 it, I think we just clean those two parts.
 17 Is the inside of the machine ever
 18 cleaned out?
 19 I'm sure it is. I've never seen
 20 it done personally.
 21 Okay. So, that wasn't part of
 22 what you were doing there?
 23 No.

17 of 50 sheets

1 keep dressing my hand up and like do stuff
2 like that. She had like electrodes, or
3 something like that, she attached to my
4 area, it was just little shocks and
5 stimulate the muscles and stuff.
6 Q. About how often would you go?
7 A. For the first, I believe first two
8 or three months I went almost every day,
9 then it started becoming every other day,
10 and then every week, and then every other
11 week, it was very often.
12 Q. So, by the end of that eight
13 months were you coming about once a month,
14 every couple of weeks?
15 A. Once a month, yes. Maybe every
16 other month.
17 Q. And you had physical therapy at
18 Shriners, according to my notes?
19 A. Yes.
20 Q. And that started about eight
21 months after the accident, was this after
22 you were done at Apex?
23 A. Yes.

66

1 Q. Okay.
2 A. I started some physical therapy at
3 Apex, there is a machine I have to --
4 Q. What kind of physical therapy, or
5 what did it involve at the Shriners?
6 A. Learning to adapt to doing daily
7 things with my hand as it is.
8 Q. And what kind of activities or
9 things did you do?
10 A. We basically did like cooking, we
11 did a lot of cooking things like holding a
12 bowl and mixing -- what else did we do -- we
13 did like we tried to do hair, putting my
14 hair up, trying to put necklaces on,
15 standard stuff like that.
16 Q. Okay.
17 A. Your daily life needs, I guess,
18 you have to do.
19 Q. So that was about three months at
20 Shriners?
21 A. Yes, I was there for three months,
22 maybe a little longer.
23 Q. Was there longer that you could

68

1 have gone, or was that where you had done
2 all that you could do there?
3 A. Well, I could have been there
4 longer, but what happened was I got the claw
5 device, the prosthetic, we started working
6 with that to adapt to it, and I really
7 didn't want to use it. So then my nurse
8 found another doctor in Boston, we went
9 directly to him and stopped Shriners.
10 Q. Now, this myoelectric hand, that
11 took a while to make, I gather?
12 A. Yes.
13 Q. Would you have to go to Boston and
14 have fittings and they would work on it
15 more?
16 A. Yes.
17 Q. Okay. Now, another one of the
18 doctors involved after your accident was
19 Doctor Leveton?
20 A. Yes.
21 Q. How did you come to start seeing
22 her?
23 A. Cindy Bourbeau found her.

67

1 be your grandmother's?
 2 Yes.
 3 Q. Very close to your parents?
 4 Yes.
 5 Q. When was that?
 6 A. That was when -- that was
 7 September of '04 till July of '05.
 8 Q. I see. And what was the address
 9 of that?
 10 A. That was 50 Pipit Drive.
 11 Q. And about how close is that to
 12 your folks' house?
 13 A. It's about twenty minutes.
 14 Q. Twenty minutes?
 15 A. Yes.
 16 Q. Okay. I understand there has been
 17 a lot of movement but have we left anything
 18 out, have there been other places that
 19 you've lived away from your folks other than
 20 what we talked about?
 21 A. I stayed at a friend's house for a
 22 week.
 23 Q. And that was August - September of

78

1 2002, I believe.
 2 Q. Okay. And I gather he was away
 3 from the area for a while?
 4 A. Yes.
 5 Q. When did he come back?
 6 A. He came back around Christmas
 7 for a couple of weeks, and then he went back
 8 until June of 2003.
 9 Q. So, June of '03 he came back to
 10 stay?
 11 A. Yes. He was in the Reserves.
 12 Q. Okay.
 13 A. It might have been around
 14 November, December when he joined, I'm not
 15 quite exactly sure.
 16 Q. Was there a time that you went on
 17 a flight to Chicago to visit him?
 18 A. I went to Missouri to visit him.
 19 Q. Missouri.
 20 A. Chicago, there was a layover in
 21 Chicago.
 22 Q. So, he was stationed out in
 23 Missouri?

77

1 Yes, he was.
 2 Q. Was there ever a time you went to
 3 the state of Washington?
 4 A. No.
 5 Q. Okay. So, as of today, you're
 6 living at your folks' house, Grove Avenue in
 7 Westfield, with your son?
 8 A. Yes.
 9 Q. And your brother and sister live
 10 there?
 11 A. Yes.
 12 Q. And your parents?
 13 A. Yes.
 14 Q. Anybody else live there?
 15 A. No.
 16 Q. Okay. So, I gather you and Jared
 17 are separated at this point?
 18 A. Yes.
 19 Q. Are you employed as of today?
 20 A. Yes, I am.
 21 Q. Where do you work?
 22 A. Big Y.
 23 Q. Which one?

80

1 2002, I believe.
 2 Q. Okay. And I gather he was away
 3 from the area for a while?
 4 A. Yes.
 5 Q. When did he come back?
 6 A. He came back around Christmas
 7 for a couple of weeks, and then he went back
 8 until June of 2003.
 9 Q. So, June of '03 he came back to
 10 stay?
 11 A. Yes. He was in the Reserves.
 12 Q. Okay.
 13 A. It might have been around
 14 November, December when he joined, I'm not
 15 quite exactly sure.
 16 Q. Was there a time that you went on
 17 a flight to Chicago to visit him?
 18 A. I went to Missouri to visit him.
 19 Q. Missouri.
 20 A. Chicago, there was a layover in
 21 Chicago.
 22 Q. So, he was stationed out in
 23 Missouri?

79

1 A. I guess just to like have my own
2 money to do something.
3 Q. Is that roughly about the time
4 that you and Jared split?
5 A. Yes.
6 Q. Why did you apply at Big Y as
7 opposed to some other place?
8 A. My sister works there.
9 Q. I see. Okay. What was your last
10 employment before working at Big Y?
11 A. I was a paraprofessional at
12 Westfield North Middle School for two weeks,
13 no two months.
14 Q. What did you do in that job?
15 A. I helped kids with their homework,
16 class work, stay organized.
17 Q. Why did you leave that employment?
18 A. It was just like a subbing job, my
19 from asked me, because she works for the
20 Middle School and she asked me because she
21 needed help so I helped.
22 Q. About when was that?
23 A. That was April of 2004 till June

82

1 A. It's East Main Street in the
2 Westfield Shops.
3 Q. Okay. How long have you worked at
4 Big Y?
5 A. Yesterday was my second day.
6 Q. Okay. What do you do there?
7 A. They are going to start me as a
8 cashier.
9 Q. Have you had some training there
10 they went through?
11 A. The only yesterday training I got
12 was bagging groceries, we haven't started
13 training on the cash registers yet.
14 Q. Okay. So, the idea is you're
15 going to become a cashier?
16 A. Yes.
17 Q. When did you apply for work there?
18 A. About a month and a half ago.
19 Q. Did you apply anywhere else at
20 that time?
21 A. No, I did not.
22 Q. What caused you to apply a month
23 and a half ago, if anything?

81

1 of 2004.
2 Q. Before April of '04 when you
3 started, what was your, going backwards,
4 employment before that?
5 A. I worked at a gas station for two
6 months.
7 Q. Okay. Where was that?
8 A. I believe it was Texaco gas
9 station, it was in Westfield, either Texaco
10 or Citgo.
11 Q. Where is it?
12 A. In Westfield.
13 Q. On Route 20 or where?
14 A. Oh, Route 10, I believe -- Route
15 10-202. I worked there for like a month and
16 a half.
17 Q. Okay. What did you do there?
18 A. I was a cashier, stocking things.
19 Q. So, you dealt with credit cards
20 and pulling cigarettes off the rack and
21 things like that?
22 A. Uh-huh.
23 Q. Okay. Do you remember who your
84

83

1 life at that time, I was going through a lot
2 of emotional issues, and they wanted me to
3 have counseling through them, and I was
4 like, no, you don't need to know my personal
5 life. I wasn't making a lot of money, I
6 wasn't being able to pay for my bills.
7 Q. What general time frame were you
8 working at Cracker Barrel, is this before
9 your son?
10 A. Yes.
11 Q. Was this during the time you were
12 pregnant or before that?
13 A. No, I was pregnant at the gas
14 station.
15 Q. Okay. Do you remember generally
16 what kind of personal difficulties you were
17 having when you were at Cracker Barrel?
18 A. Cracker Barrel, my personal
19 problems, I had hit rock bottom, I didn't
20 know who I was anymore, I was going like
21 -- I took out my emotional problems on
22 drinking, I really -- I don't know, I didn't
23 know who I was, I didn't know what I wanted

1 hostess, move forward to being a waitress,
2 and after like eight months I asked to
3 become a waitress and they said to me that,
4 well, you're going to have to take a test to
5 become a waitress, all these stupid excuses,
6 they kept coming up with excuses, and I was
7 just, well, I'll find somewhere else to
8 become a waitress.
9 Q. So, I gather being a waitress you
10 get tips and that's a better job than being
11 a hostess, is that right?
12 A. Yes.
13 Q. When you were a waitress later on
14 at the Cracker Barrel did you have any
15 physical difficulties doing the requirements
16 of that job?
17 A. Yes.
18 Q. What kind of things were
19 difficult?
20 A. They didn't have a tray stand like
21 the food that you have to carry out had to
22 be held in your hand, on a very hot tray, I
23 had a hard time doing that. You're not

1 supposed to put the tray down on the table,
2 you're supposed to hold it and put the food
3 on the table. I didn't listen to that, I
4 did put the tray on the table, it was hard
5 for me, and I think they understood but -- I
6 always used to spill things.
7 Q. Okay.
8 A. Something different that I didn't
9 experience.
10 Q. On the Border did they use tray
11 stands?
12 A. Yes, they did.
13 Q. Do you feel you could have done
14 that job?
15 A. Yes.
16 Q. Where did you work before On the
17 Border?
18 A. That was it.
19 Q. That was it?
20 A. Since my accident.
21 Q. That's okay.
22 Let me check something very quick.
23 There was a notation in one of the records

1 and we, yes.
 2 Q. Okay. Now, since the accident in
 3 April of '02, have you gone on any long
 4 trips other than this trip to Chicago and
 5 Missouri?
 6 A. No.
 7 Q. Have you gone on any vacations out
 8 of state?
 9 A. I went to New Hampshire or New
 10 Jersey, I don't remember which one it was.
 11 Q. Okay. How did you get there?
 12 I drove.
 13 Q. Was that to visit friends?
 14 Yes.
 15 Q. Who did you see?
 16 A. A friend that I met, he's in the
 17 Army, he's stationed out there, so it was a
 18 day trip.
 19 Q. A day trip?
 20 Yes.
 21 Q. Have you gone to the beach at all
 22 since your accident?
 23 A. Yes.

90

1 about doing some dancing somewhere. First
 2 of all, what time period was that, was that
 3 before On the Border, or you know --
 4 A. It was after Cracker Barrel.
 5 Q. After Cracker Barrel?
 6 A. Somewhat during and after. I did
 7 it a couple of times.
 8 Q. So, this would have been sometime
 9 after August of '03?
 10 A. (Nod.)
 11 Q. Is that accurate?
 12 Yes. I'm sorry.
 13 Q. Where did you do dancing?
 14 At 418.
 15 Q. And there was a friend of yours
 16 that was doing that?
 17 A. (Nod.)
 18 Q. Who was your friend?
 19 A. Cheri Barbosa.
 20 Q. All right. And this was a short
 21 period of time?
 22 A. We kind of got involved together
 23 and we were both having problems in our life

89

1 Q. Did you have a cell phone at the
 2 time of this accident?
 3 A. Yes, I did.
 4 Q. When is the last time you had a
 5 cell phone?
 6 A. July or August of 2004.
 7 Q. Okay. Now, as a result of this
 8 accident, have you gotten any prescriptions
 9 for medications, do you know what I mean,
 10 like pills that you go down to the drugstore
 11 and get?
 12 A. I have maybe for like antibiotics
 13 if I had like stuff like that, but nothing
 14 like what I was on when I lost my hand.
 15 Q. Nothing like --
 16 A. The medication that I was on when
 17 I lost my hand.
 18 Q. Okay. So, in the hospital there
 19 were pain medications?
 20 Yes.
 21 Q. Did Doctor Martin prescribe any
 22 prescriptions for you, any medications?
 23 I was on antibiotics not

92

1 Q. When was that?
 2 A. Oh man -- I don't remember.
 3 Q. Did that make you feel
 4 uncomfortable at all?
 5 A. Yes.
 6 Q. Do you remember where you went or
 7 who you went with?
 8 A. We went to Hampton Beach, I went
 9 with my friend Cheri, Jared and Donny.
 10 Q. With your new job at Big Y, is
 11 that going to be a full-time job?
 12 A. Part-time.
 13 Q. About how many hours are you
 14 wanting to work?
 15 A. Between twenty, twenty-five.
 16 Q. Okay. And who watches your son
 17 when you're working?
 18 A. Mainly my mom, sometimes Jared
 19 will watch him.
 20 Q. Do you have a cell phone?
 21 A. No, I do not.
 22 Q. Have you ever had a cell phone?
 23 A. Yes, I have.

91

1 2002? A. I went, I started going after my accident.

2 Q. Where did you start going?

3 A. My grandmother's church, I don't remember exactly what the name it's called, but I did go to my grandmother's church.

4 Q. Where is it?

5 A. In Enfield, Connecticut.

6 Q. Do you know what it's near?

7 A. No. Route 5 maybe.

8 Q. Okay. Did you go with your grandmother?

9 A. No, I met her there.

10 Q. Okay.

11 A. I went with her once and got to know where it was and then I just kept meeting her there.

12 Q. Okay. So, do you remember who was working at the time of your accident?

13 A. Yes.

14 Q. Who was there?

15 A. Cheri Barbosa and Irene Ring.

125

1 was pushing it down a little bit, not like, you know, the next thing I know my hand is in the meat grinder. So I turned it off. I kicked the door open twice and Irene came in and she turned the machine back on, I don't know why, but she did. I turned it off, and then the paramedics came.

2 MR. SILVERMAN: Do you want to take a break?

3 THE WITNESS: Yes.

4 MR. STEWART: Let's go off the record.

5 (A recess was taken.)

6 Q. (BY MR. STEWART) Ma'am, I will just go ahead and ask some more detail about what you just told us about. When the accident happened, was is the first run through with the meat, or was this the second pass?

7 A. It was the second pass.

8 Q. The second pass. Okay.

9 So, Ms. Barbosa was working that evening or afternoon?

1 Q. And what time were you supposed to work to that day?

2 A. I'm not quite -- I don't remember.

3 Q. Were you towards the end of your shift, or I don't want you to guess but --

4 A. I think I was.

5 Q. Okay. At some point did some customer come in and order hamburger?

6 A. Yes.

7 Q. Was it a customer you knew at all or anybody you recognized?

8 A. I've seen her in there before, yes.

9 Q. You don't know her name?

10 A. No.

11 Q. What happened after the order was placed?

12 A. I went into the cooler and she asked for a pound of hamburger meat, and I took the meat from the tray and put it in the hole.

13 Q. Okay.

14 A. The reaction just to put it in, I right there.

128

1 A. Yes.

2 Q. Do you know where she was?

3 A. She was ringing on the register.

4 Q. Okay. And do you know where Ms. Barbosa was -- I'm sorry -- Ms. Barbosa was there or not?

5 A. Yes, she was on the cash register.

6 Q. And where was Ms. Ring, if you know?

7 A. She was in the deli working, doing something in the deli. She was over here, I believe, working on making a salad, she was -- I don't quite remember what she was exactly doing.

8 Q. If we look at this diagram as it's laid out, this would be somewhat off to the left of the diagram where she was, over here somewhere?

9 A. Over here, yes, she was right by the door.

10 Q. Okay.

11 A. When I kicked it open she was

1 Q. And when you would be doing that, about how close would you be coming to the stainless steel pan on top?

2 A. Well, the hole is right in the stainless steel top, so, you would have to go down the hole a little bit to push it in.

3 Q. So, your fingers would actually be facing downwards somewhat?

4 A. Yes.

5 Q. And you would be actually touching the top of the meat with your fingertips?

6 A. Yes.

7 Q. Now, the meat that was -- this was the second pass when this happened?

8 A. Yes.

9 Q. Okay. And you say you thought it was about a pound of hamburger that got ordered?

10 A. Yes, a pound.

11 Q. Were you making more than that?

12 A. No.

13 Q. So, this was just made to order?

14 A. Yes.

130

1 Q. She was by the door to the walk-in cooler?

2 A. Yes.

3 Q. Okay. Had you ever had any difficulty with the running of that grinder before this accident?

4 A. No.

5 Q. Had you ever had an experience where anything got stuck in it?

6 A. The first round, the first processed meat we put through always would get jammed up a little bit, you just pushed it a little bit down and it would go right through, I mean --

7 Q. And when you're talking about pushing it through, how would you go about doing that?

8 A. I just with my hand.

9 Q. So, this kind of tapping it downward with your fingers?

10 A. Yes.

11 Q. Okay.

12 A. Just to push it along.

129

1 been run through once with your right hand, or, no, because you hold like the container you're putting the hamburger meat in, so, I grabbed it with my left hand, put it in through again to grind it through the second time.

2 Q. Okay. And can you describe verbally, because we can't see on the record, so it has to be verbally, what you were actually doing with your left hand when all this happened?

3 A. I take the first ground meat, grab it with my left hand, I would push, you know, put it in the hole and push it down a little bit so that it would go through.

4 Q. The -- I don't know how to better describe it but the amount of meat or the -- was it kind of in a ball or was it stretched out, or what did it look like when you went to put it from underneath and back on top?

5 A. It's usually like in a big pile, it doesn't stretch out or anything, it

132

1 Q. You weren't making any extra?

2 A. No.

3 Q. All right. Was the stomper on the shelf where it usually is at the time of all this?

4 A. I believe so, I don't remember exactly where it is. Usually it was always there.

5 Q. Did you use the stomper at all that evening before your accident?

6 A. No.

7 Q. Okay. So, you had run the meat through one pass, and then was it in the bottom of a bowl after the first pass, or where was it?

8 A. After the first pass it stays in the stainless steel --

9 Q. Kind of a pan?

10 A. -- pan thing.

11 Q. And then I gather you did something to get that meat back up to the top of the machine?

12 A. You grab the hamburger meat that's

131

2 of --

3 Q. So, one pound pile of meat is how

big in relation to the hole that's on top in the stainless steel pan, is it bigger than the hole?

7 A. Usually, yes, it was sticky so it would be, so like usually I'd grab a handful

9 put that in and I grab a little bit more and put it in again.

11 Q. Okay. How is it, I know this is a difficult subject matter, and how is it that your hand ended up going down the hole?

14 A. I was tapping the meat, and I was watching it come through the other end and I was doing both looking back and forth and I just do that normally, I don't know what happened, why all of a sudden that just one time I got stuck, I don't quite really --

20 Q. At some point did you feel your hand being drawn in there?

22 A. Yes.

23 Q. Okay. Was there anything that you

1 could do at that point?

2 A. No.

3 Q. Was the meat pulling your hand at

4 all?

5 A. Yes, it was.

6 Q. I gather at some point you had a chance to hit the off switch?

8 A. Yes.

9 Q. Okay. About how long after you realized there was a problem where you were able to hit the off switch?

12 A. Immediately, but I mean I definitely felt something was going wrong and I just turned it off.

15 Q. Okay. Were you trying to pull your hand out at the same time you were hitting the off switch?

18 A. No, I didn't want -- I felt pain and I didn't want to be in more pain. When my hand was in there I didn't know if I was stuck in the thing or not and I didn't want to try.

22 to try.

23 MR. STEWART: Let's take a

Page 133 to 136 of 153

Document 32-2

Filed 11/16/2005 Page 15 of 19

Case 3:05-cv-00077-MAP Document 32-2 Filed 11/16/2005 Page 15 of 19

133

1 moment here.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

1 A. I believe four or five days, I believe.
2 Q. Okay. And there was surgery with
3 Doctor Wenner?
4 A. Yes.
5 Q. And then you were home for a
6 while?
7 A. (Nod.)
8 Q. Then there was other surgery, is
9 that right?
10 A. Yes. Mainly I'd go in for a wrap
11 change, they'd have to put me under for a
12 wrap change, but this one time they did
13 remove extra like skin.
14 Q. So they actually had to give you
15 anesthesia where they'd knock you out to do
16 the wrap?
17 A. Yes.
18 Q. And about how many times did they
19 have to knock you out to do that?
20 A. I think twice.
21 Q. Okay. Let me just follow-up
22 -- that's all I'm going to ask you about the
23

138

1 it on before --
2 A. Briefly, I mean, I saw her going
3 for it and doing it, I don't know, and then
4 I saw her turn it on, and I was like what
5 are you doing, I turned it off and --
6 Q. When Irene turned the machine on,
7 did you feel it move at all?
8 A. Yes.
9 Q. Was your hand drawn in anymore
10 when she turned the machine on?
11 A. All I know is I felt more pain.
12 Q. Okay. At that point medical
13 people were called?
14 A. Yes.
15 Q. About how soon was it till they
16 got there?
17 A. I don't remember.
18 Q. From there you went to Noble, is
19 that right?
20 A. No, Baystate.
21 Q. Baystate. Okay. And how long
22 were you actually in the hospital before you
23 came home?

137

1 A. I really never thought about it.
2 Q. Okay. Were you ever scared of
3 using the machine before the accident?
4 A. No.
5 Q. Okay. Did you understand before
6 the accident that the slicer and the meat
7 grinding machine that you had to be careful?
8 A. Yes.
9 Q. Okay. Did Mr. Barry or anyone
10 else at the Pleasant Street Market suggest
11 to you before the accident things you had to
12 be careful of regarding the use of these
13 machines?
14 A. More of the slicer than the
15 hamburger machine.
16 Q. Okay. Do you remember anything
17 said about the things that were tricky about
18 using the meat grinder?
19 A. Not suggestively, but we talked
20 about like how the plunger thing meat sticks
21 to it, I mean, it wasn't like, oh, hey, how
22 do you feel about this, you know.
23 Q. So with the meat grinder about the

140

1 actual accident, I'm going to ask you about
2 a few other things.
3 Before the accident, did you feel that
4 you were qualified to use the meat grinder?
5 A. Oh, yes.
6 Q. Before the accident did you
7 consider the meat grinder to be defective in
8 any way?
9 A. It always looked old and dirty. I
10 never really thought about an emergency stop
11 button but -- I don't know anything
12 technical about a machine but just the fact
13 that it did look old and dirty.
14 Q. Okay. Before the accident did you
15 ever feel the machine was defective for the
16 lack of an emergency stop button?
17 A. No, I mean --
18 Q. Before the accident did you even
19 know what an emergency stop button was?
20 A. No.
21 Q. Okay. Before the accident did you
22 consider any other features of the machine
23 to make it unsafe?

139

1 plunger?

A. I don't remember.

Q. Okay. Before you used the meat

grinder, up until the time of the accident,

did you ever feel that you didn't have

enough information to be able to use it

safely?

A. No.

Q. Okay. Now, can you describe about

how big the hole on the top of the machine

in this stainless steel pan was?

A. About like the rim of the coffee

cup. (Witness indicating.)

Q. Okay.

A. Is that a good description?

Q. Right. Before the accident did

you ever look down in that hole and saw what

was down there?

A. Yes, I -- yes.

Q. What did you understand was down

there?

A. You could barely see down there,

it was very dim in the thing, I always

142

1 looked down there, I could never see

anything -- not always looked down but I did

look down there.

Q. Did you understand that there was

some moving parts down there that ground

the hamburger?

A. Yes.

Q. Okay. Before the accident did you

understand that down that hole was something

that was dangerous?

A. Oh, yes. Well, I didn't know if

it was -- I still don't know if it's like

sharp razors that are down there or if there

is like a circular spiral thing down there

of just metal, I don't know -- I knew there

is something down there that spinned,

basically.

Q. Before the accident you knew that

there was a hole there and down that hole

there was some moving parts?

A. Yes.

Q. And those moving parts were

involved in taking a piece of meat and turn

1 it into a piece of hamburger?

A. Yes.

Q. And you knew if you dropped some

object like a spoon down there that the

spoon would get damaged, is that accurate?

A. Yes. Yes.

Q. Okay. And were you aware before

the accident of the hazard of if you got

your hand started down that hole?

A. Was I aware?

Q. There was a hazard presented if

you got your hand started down that hole?

A. Well, yes, it is a hazard.

Q. And what was your understanding

before the accident of what might happen if

you got your hand caught in there?

A. I just knew it would be dangerous,

I never really thought in depth how bad it

would be, but like I mean when you nail a

nail in the wall you can hit your thumb, I

mean, you don't always think of small things

like that, I never really thought the

thought.

143

Q. Would it be fair to say this

machine was self-feeding, in other words, if

you started a piece of meat at the top it

would go in there automatically?

A. No, I don't think it was

self-feeding.

Q. Okay. So, if something was going

to be put through the machine it was going

to have to be presented right to the top and

then have gravity feed it down?

A. Yes.

Q. Okay. So, if there was a piece of

meat that was lying horizontally it wasn't

going to go in, it actually had to be put in

there vertically?

A. Yes.

Q. Have you ever filed for

unemployment compensation since this

accident?

A. Yes.

Q. When was that?

A. I received unemployment right

immediately after the accident, I never filed

Case 3:04-cv-00197-MAP Document 32-2 Filed 11/16/2005 Page 17 of 19

1 hole just to push the meat down, so that the
2 thing down there could, I don't know,
3 collect it.
4 Q. Okay, Did you know if your hand
5 went down there that there could be an
6 injury to your hand before the accident?
7 A. I mean, obviously, like everybody
8 put their hand down there to push the meat,
9 so, I mean, there was awareness of how far
10 along you can put your hand in, not like
11 you're just poking, yes, if you stuck your
12 hand all the way down there for no apparent
13 reason, yes, you're going to get stuck in
14 the machine, but everybody put their hand in
15 to push the meat, it was just -- you know,
16 that's what people did, but, you know, to
17 push the meat in.
18 Q. Based on your knowledge before
19 this accident, what was the safe level where
20 a person's fingers could go below the lip of
21 the hole?
22 A. There was no like set level,
23 nobody suggested you can put your hand

1 for it but --
2 Q. I'm not talking workers'
3 compensation, I'm talking unemployment
4 compensation.
5 A. Oh, no. No.
6 Q. Okay. Were you aware before the
7 accident of a risk of injury if your hand
8 went down in the hole at the top of the
9 machine where the stainless steel tray was?
10 A. Was I aware that something could
11 happen?
12 Q. Were you aware of the risk of an
13 injury if your hand were to go down the
14 hole?
15 A. All the way down, yes, but I never
16 imagined like just poking the meat in would
17 effect anything whatsoever.
18 Q. Did you know that if your hand
19 were to go beyond the top of the hole that
20 there was a risk of injury to your hand if
21 your fingers were to go in there?
22 A. No, because I was looking,
23 everybody would stick their hands past the

1 that hole before your accident?
2 A. I don't know. I've never sat
3 there and watched somebody like stick their
4 fingers down like, I mean, I've seen people
5 like push the meat down with their hand but
6 like I don't sit there and watch them stick
7 their, you know, how far they've done it,
8 you know.
9 Q. Did you ever see anybody push meat
10 down lower than the rim of the stainless
11 steel top of the meat grinder?
12 A. Yes.
13 Q. About how far below that, if you
14 can remember and estimate?
15 A. I just know they push, I don't
16 know -- I don't know exactly, I just know
17 they're pushing with their fingers, I don't
18 know how far down it is, but I know they're
19 pushing with their hands and fingers.
20 Q. You knew at some point going down
21 that hole, going down that cylinder, there
22 were some moving parts that started to grind
23 the hamburger meat?

1 halfway through and nothing would happen,
2 you're just tapping the meat in.
3 Q. I'm not trying to be smart.
4 A. I know. I know.
5 Q. I just want to see where your
6 knowledge was.
7 A. I see what you're saying.
8 Q. Did you see people go down more
9 than a certain level?
10 A. Well, normally like there would be
11 only one person working the deli and, you
12 know, whoever is working the deli they would
13 be doing all that hamburger meat. At the
14 time of my accident Irene was busy in the
15 deli, I was ringing on the register and so
16 somebody was asking for hamburger meat.
17 Irene asked me to take care of the person,
18 she was busy doing something, so, I went in
19 the cooler to do that, so, normally like
20 you're not just hanging around watching
21 people like.
22 Q. Understood. What's the deepest
23 you ever saw anybody push their hand down in

1 A. Yes.

2 Q. Is it fair to stay you didn't know

3 how far down those moving parts started?

4 A. Yes, it is fair to say that, yes.

5 Q. Okay. Do you consider the

6 training that you received at the Pleasant

7 Street Market to have been sufficient to

8 allow you to operate this machine safely?

9 A. I don't think it was that great.

10 I was never really trained on the machine, I

11 was never taught exactly how to do it like,

12 so, I should say no, it wasn't sufficient at

13 all, I mean, it could have been better, it

14 could have been better training.

15 Q. Okay. Do you consider the

16 training that you did receive to be

17 adequate?

18 A. No.

19 Q. Okay. Before the accident were

20 you aware that the hole on top of the

21 machine where the hamburger meat went down

22 was unguarded?

23 A. What do you mean, can you rephrase

150

1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF HAMPDEN

3 I, Micheline I. Bourbonnais, a Notary

4 Public within and for the Commonwealth of

5 Massachusetts at large, do hereby certify

6 that I took the deposition of MELISSA

7 OSTRANDER, pursuant to the Federal Rules of

8 Civil Procedure on August 24, 2005, at the

9 offices of PHILBIN & ASSOCIATES, INC., 959

10 Main Street, 4th Floor, Springfield,

11 Massachusetts.

12 I further certify that the above-named

13 deponent was by me first duly sworn to

14 testify to the truth the whole truth and

15 nothing but the truth concerning her

16 knowledge in the matter of the case of

17 MELISSA OSTRANDER vs. HUSSMANN CORPORATION,

18 now pending in the United States District

19 Court for the District of Massachusetts.

20 I further certify that the within

21 testimony was taken by me stenographically

22 and reduced to typewritten form under my

23 direction by means of COMPUTER ASSISTED

24 TRANSCRIPTION, and I further certify that

25 said deposition is a true record of the

26 testimony given by said witness.

27 I further certify that I am neither

28 counsel for, related to, nor employed by any

29 of the parties to the action in which this

30 deposition was taken; and further, that I am

31 not a relative or employee of any attorney

32 or counsel employed by the parties hereto,

33 nor financially or otherwise interested in

34 the outcome of the action.

35 WITNESS my hand and seal this

36 day of September, 2005.

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590

591

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

631

632

633

634

635

636

637

638

639

640

641

642

643

644

645

646

647

648

649

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764

765

766

767

768

769

770

771

772

773

774

775

776

777

778

779

780

781

782

783

784

785

786

787

788

789

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

850

851

852

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895

896

897

898

899

900

901

902

903

904

905

906

907

908

909

910

911

912

913

914

915

916

917

918

919

920

921

922

923

924

925

926

927

928

929

930

931

932

933

934

935

936

937

938

939

940

941

942

943

944

945

946

947

948

949

950

951

952

953

954

955

956

957

958

959

960

961

962

963

964

965

966

967

968

969

970

971

972

973

974

975

976

977

978

979

980

981

982

983

984

985

986

987

988

989

990

991

992

993

994

995

996

997

998

999

1000

SIGNATURE PAGE - ERRATA SHEET

My commission expires October 31, 2008

Notary Public

Certified Shorthand Reporter

Micheline I. Bourbonnais

Page : Line:

DEPONENT'S SIGNATURE:

DATE

Page 149 of 152